

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

Civil Action No.
6:08-cv-1197 (NPM/DEP)

vs.

FALLS COURT PROPERTIES COMPANY
MORRIS WINKLER
GEORGE H. KIDNEY, JR.

Defendants.

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between the plaintiff, United States of America ("United States" or "Plaintiff"), and Defendants Falls Court Properties Company ("Falls Court"), Morris Winkler ("Winkler") and George H. Kidney, Jr. ("Kidney")(collectively "Defendants") on this 13th day of October, 2009 that

WHEREAS, the parties have entered into a Stipulation, Settlement Agreement and Release ("Settlement Agreement") dated September 30, 2009; and

WHEREAS, the Defendants have maintained a General Fund Account in the name of Falls Court Properties Company at HSBC Bank Bearing Account No. 204-71621-7 ("General Fund Account"); and

WHEREAS, the parties have agreed as part of the Settlement Agreement that the Defendants will surrender any and all ownership interests and rights they have in the General Fund Account and transfer said rights to the United States; and

WHEREAS, it is the desire of the parties that the General Fund Account remain open in the event that certain future direct deposits will be made to the General Fund Account, and that all of said monies are immediately payable to the United States;

NOW, in consideration of the mutual covenants and promises contained herein, it is agreed:

1. The Defendants agree to remove Morris Winkler and George Kidney as authorized signatories on the General Fund Account;
2. That the only authorized signatories on the General Fund Account will be David P. Martin, Esq. or Lauren H. Seiter, Esq., severally, as attorneys for the United States of America;
3. The parties agree that the address for the General Fund Account shall be changed from 6109 Falling Water Court, Roswell, Georgia to C/O Harris Beach, PLLC, One Park Place, 300 South State Street, Suite 400, Syracuse, New York 13202;
4. The General Fund may be closed at a future date at the sole discretion of the United States of America;
5. This Stipulation shall benefit and bind the parties hereto and their respective heirs, personal representatives, successors and assigns. The terms of this Stipulation may not be changed, waived or terminated except by an instrument in writing, signed by the party against which enforcement is sought, specifically agreeing to such change, waiver or termination;
6. This Stipulation may be executed in one or more counterparts, each of which shall constitute an original and all of which taken together shall constitute one agreement. A facsimile of an executed signature shall be treated as an original signature for purposes of filing this Stipulation with the Court. Each party executing this Agreement represents that such party has the full authority and legal power to do so.

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MORRIS WINKLER

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IN WITNESS WHEREOF, the parties hereto have executed this Stipulation on the day and year set forth below. This stipulation may be filed without further notice with the Clerk of Court.

Dated: October 14, 2009

ANDREW T. BAXTER,
Acting United States Attorney for the
Northern District of New York

FALLS COURT PROPERTIES
COMPANY

BY: Morris Winkler

BY: William Larkin
Assistant United States Attorney
P.O. Box 7198
100 South Clinton Street
Syracuse, NY 13261-7198
Telephone: (315) 448-0672

Morris Winkler
Morris Winkler

George Kidney
George Kidney

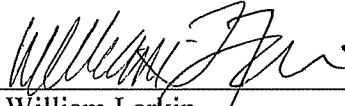
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Dated: October 14, 2009

ANDREW T. BAXTER,
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FALLS COURT PROPERTIES
COMPANY

BY: _____

BY: 
William Larkin
Assistant United States Attorney
P.O. Box 7198
100 South Clinton Street
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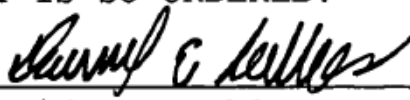
Morris Winkler

George Kidney

SO ORDERED:

Dated: _____, 2009
Syracuse, New York

IT IS SO ORDERED:



David E. Peebles

U.S. Magistrate Judge

Dated: October 20, 2009

Syracuse, NY

IN WITNESS WHEREOF, the parties hereto have executed this Stipulation on the day and year set forth below. This stipulation may be filed without further notice with the Clerk of Court.

Dated: October 20, 2009

HARRIS BEACH, PLLC

BY: /s/Lauren H. Seiter
Lauren H. Seiter, Esq.
Attorney(s) for the Plaintiff United States of America
One Park Place
300 South State Street, 4th Floor
Syracuse, New York 13202
Tel: (315) 423-7100

/s/Frank A. Bersani
Frank A. Bersani, Jr.
Attorney(s) for Defendants Falls Court Properties Company, Morris Winkler and George H. Kidney, Jr.
306 Syracuse Building
224 Harrison Street
Syracuse, New York 13202
Tel: (315) 478-0560

SO ORDERED:

Dated: _____, 2009
Syracuse, New York

Honorable David E. Peebles
United States Magistrate Judge